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6 Attorneys for Plaintiffs, Greve Financial Services,
Inc., Angeles Chemical Company, Inc., and John
7 Locke

8
9 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

10 ANGELES CHEMICAL COMPANY, INC., a
11 California Corporation, GREVE FINANCIAL
12 SERVICES INC., a California Corporation,
and JOHN LOCKE, an individual,

13 Plaintiffs,

14 vs.

15
16 MCKESSON CORPORATION, a California
Corporation, et. al.,

17 Defendants.
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Northern District Miscellaneous Matter
Case No. C 06-80343 Misc MMC (EDL)
Case No. C 07-80123 Misc MMC (EDL)

Case No: 01-10532 TJH (Ex)
Central District of California

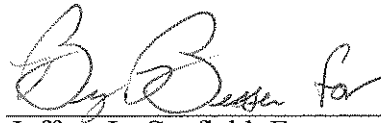
NOTICE OF ERRATA REGARDING
ANGELES' RESPONSE TO SQUIRE
SANDERS & DEMPSEY'S NOTICE OF
ENTRY OF STAY OF UNDERLYING
ACTION

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on August 10, 2007, Angeles Chemical Company Inc.,
3 Greve Financial Services Inc., and John Locke (collectively "Angeles") filed their response to
4 Squire, Sanders & Dempsey's ("SSD") Notice of Stay. That response referenced certain
5 documents as Exhibits A-C. Unfortunately, the response inadvertently omitted Exhibits A-C.
6 Angeles respectfully requests this Court incorporate Exhibits A-C which are attached hereto.
7

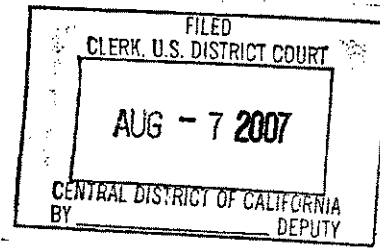
8
9 DATED: August 13, 2007

Caufield & James, LLP

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11 

12 Jeffery L. Caufield, Esq.
13 Attorney for Plaintiffs/Counter-defendants
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EXHIBIT A



COPY

Jeffery L. Caufield, Esq. (SBN: 166524)
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2851 Camino Del Rio South, Suite 250
San Diego, California 92108
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Attorneys for Plaintiffs, Counter-Defendants, Cross-
Defendants Angeles Chemical Company, Inc., John
Locke and Greve Financial Services, Inc.

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

ANGELES CHEMICAL COMPANY,)	Case No: 01-10532 TJH (Ex)
INC., et al.)	
Plaintiffs,)	JOINT STIPULATION FOR
vs.)	LITIGATION STAY AND
)	MOTION FOR CONTINUANCE
)	OF ALL SCHEDULING ORDER
)	DEADLINES FORTY-FIVE (45)
)	DAYS
MCKESSON CORPORATION, a)	Date: TBD
California Corporation, MCKESSON)	Time: TBD
CHEMICAL COMPANY,)	Judge: Hon. Terry J. Hatter Jr.
FOREMOST-MCKESSON EXPORT)	
CORPORATION, MORELAND-)	Discovery Cut-Off: June 11, 2007
MCKESSON CHEMICAL)	Pre-Trial Conference: December 3,
COMPANY INC., and DOES 1 through)	2007
500, Inclusive,)	Trial Date: TBD
Defendants.)	

AND RELATED CROSS-CLAIMS.

1 **I. INTRODUCTION**

2 Pursuant to Federal Rules of Civil Procedure Rule 16 (b) and Local Rule 7-
3 19 of the United States District Court, Central District of California, all the parties
4 to this litigation, including Plaintiffs/Counter-Defendants Angeles Chemical
5 Company, Inc., John Locke, Greve Financial Services (collectively "Angeles"),
6 Cross-Defendant, Cross-Complainant Robert Berg, Donna Berg, Pearl Rosenthal,
7 and the Estate of Arnold Rosenthal (hereinafter "Berg Parties"), and Defendants
8 and Counter Claimants/Counter-defendants McKesson, Harvey Sorkin, Estate of
9 Paul Maslin, Seymour Moslin (hereinafter collectively, "McKesson") hereby
10 submit this Joint Stipulated Application for *Ex Parte* Motion for litigation stay and
11 continuance of *all Scheduling Order deadlines that have not already passed as of*
12 *the date of this stipulation, except as specifically set forth herein, for a period of*
13 forty-five (45) days.

14 **II. GOOD CAUSE EXISTS FOR LITIGATION STAY AND**
15 **CONTINUANCE OF CERTAIN SCHEDULING ORDER DEADLINES**
16 **FOR FORTY FIVE (45) DAYS TO ALLOW FOR SETTLEMENT**
17 **NEGOTIATIONS.**

18 In June 2003 and March 2004, the parties engaged in two mediations before
19 the Honorable Justice Irving (ret.) in San Diego, California. Beginning in the fall
20 of 2004 through mid-2005, the parties entered into further settlement negotiations.
21 Recently, Angeles and McKesson have agreed to renew settlement negotiations,
22 which have resulted in an exchange of proposals and ideas to establish a process
23 and procedure which will allow the parties to engage in meaningful settlement
24 discussions. The parties have committed to conducting several face-to-face
25 settlement meetings over the next 45 days in order to attempt to resolve their
26 differences and effectuate a global settlement. In order to reduce the costs and
27 expenses incurred by the parties and facilitate the settlement negotiations, the
28 parties have agreed to a litigation standstill during this forty-five (45) day time

1 period, which would entail (1) continuing expert disclosures and all scheduling
2 order deadlines which have not yet passed as set forth below, (2) a hold on the
3 filing of any additional motions with either the District Judge and/or the Magistrate
4 Judge whose deadline to file has not already passed as of the date this Order is
5 signed by the Court, (3) continuing the hearing dates and briefing schedule for
6 currently filed motions as set forth below, and (4) stipulating to request Magistrate
7 Judge Eick and/or Judge Hatter to stay any ruling granting in whole or in part the
8 currently pending discovery motion re the 8th Set of Requests for Production of
9 Documents, set for hearing on August 17, 2007, for forty-five (45) days to allow for
10 settlement discussions should any such Order be issued.

11 **III. BACKGROUND**

12 The underlying case involves claims surrounding the contamination of soil
13 and groundwater at and under and surrounding property located in Santa Fe
14 Springs, California. The underlying soil and groundwater contamination was
15 allegedly caused by the operation of two neighboring chemical distribution facilities
16 beginning in the mid-1970s. During the course of the litigation, over 100
17 depositions have been taken and over 2,000,000 pages of documents produced
18 between the parties and third parties. As discussed supra, significant prior efforts
19 have been undertaken to resolve the issues between the parties. The parties now
20 need time to pursue settlement discussions.

21 **IV. LEGAL ANALYSIS**

22 Scheduling orders entered before the final pretrial conference may be
23 modified upon a showing of "good cause." Hannon v. Chater, 887 F.Supp. 1303
24 (N.D.Cal. 1995); FRCP 16. The reason for the "good cause" requirement for
25 modification of a court's scheduling order is that such orders and their enforcement
26 are regarded as an essential mechanism for cases becoming trial-ready in an
27 efficient, just, and certain manner. Rouse v. Farmers State Bank of Jewell, Iowa,
28 866 F.Supp. 1191 (N.D.Iowa 1994).

1 The terms of the stay and continuance, as stipulated among all the parties to
2 this litigation herein, are as follows:

3
4 1. The litigation shall be stayed beginning August 7, 2007 through September 20,
5 2007 (the "stay period") as follows:

6 a.) The deadlines for fact discovery and fact discovery motions have passed and
7 are not impacted by the within stipulation. All remaining discovery shall be stayed
8 as set forth herein. Plaintiffs will take no further legal action in their proceedings
9 against SSD, and Thelen, Reid pending in the United States District Court,
10 Northern District of California, and Univar pending in the Western District of
11 Washington, during the stay period. However, this agreement is without prejudice
12 to the parties' right to seek further relief on these matters or others by ex parte
13 motion after the termination of this agreement at the conclusion of the stay period.

14 b.) The dispositive motion deadline has passed and is not impacted by the within
15 stipulation. The hearing date on McKesson's Motion for Summary Adjudication
16 filed against the Berg parties on August 3, 2007, which is currently set for August
17 27, 2007, shall be continued to October 15, 2007 and the hearing date on Angeles'
18 Motion for Summary Adjudication filed against McKesson on August 6, 2007,
19 which is currently set for September 17, 2007, shall be continued to November 5,
20 2007. The hearing dates for the five Motions to Review currently set for hearing on
21 August 27, 2007 shall be continued to October 15, 2007. The deadline for filing
22 any Motion to Review remains unchanged; however, any Motion for Review filed
23 on or after the date of this stipulation shall be set for hearing on October 29, 2007.
24 The continuances of the above referenced hearing dates are to reduce the costs
25 incurred in briefing associated with the subject motions during the forty-five (45)
26 day litigation stay. The litigation stay shall also stay the filing of any other motions
27 with the Court for pre-trial purposes inclusive of motions in limine. However, this
28 agreement is without prejudice to the parties' right to seek further relief on these
matters or others by ex parte motion or otherwise after the termination of this

1 agreement. In addition, during the stay period, the parties may file joint requests
2 for decisions on pending motion as required by Local Rule 83-9.2, and joint
3 requests for intended decisions dates on pending motions as required by Local Rule
4 83-9.4.

5 c.) In the event that Magistrate Judge Eick grants, in whole or in part, Plaintiffs'
6 Motion to Compel further responses to Angeles' Requests for the Production of
7 Documents, Set No. 8, set for hearing on August 17, 2007, the parties agree to
8 stipulate to jointly seeking a stay of that Order from Magistrate Judge Eick and/or
9 Judge Hatter for the stay period to reduce litigation costs and allow the parties to
10 focus their efforts on settlement negotiations.

11 d.) In order to facilitate negotiations, the parties shall exchange all of their FRCP
12 Rule 26 expert reports on August 15, 2007 as documents exchanged for settlement
13 purposes only. In the absence of a court order or validly issued subpoena, the
14 reports disclosed on August 15, 2007 shall not otherwise be disclosed to any third-
15 parties, with the exception that the reports may be disclosed to clients, counsel,
16 consultants and experts. In the event that the parties cannot reach a settlement
17 during the forty-five (45) day stay, the reports disclosed on August 15, 2007 shall
18 remain the parties' FRCP Rule 26 expert reports, transmitted for purposes of trial
19 on September 21, 2007 and expert discovery can commence beginning September
20 21, 2007.

21 e.) The June 11, 2007 discovery cut off, and the August 6, 2007 discovery motion
22 and dispositive motion cut offs will remain unchanged.

23 f.) All pre-trial dates beginning with the expert discovery cut off and all pre-trial
24 dates subsequent thereto in the current case management order shall be continued
25 for forty-five (45) days.
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1 The Court having read and considered the underlying facts and case law finds
2 that good cause exists for the stipulations set forth above.

3
4 It is so Ordered.

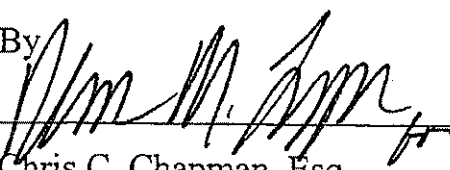
5
6 August 7, 2007

7 Hon. Judge Terrence Hatter Jr.

8
9 So Stipulated:

10 DATED: August 7, 2007

THE LAW OFFICES OF TIMOTHY
C. CRONIN, ESQ.

11
12 By 
13 Chris C. Chapman, Esq.
14 Attorneys Counter-Defendants,
15 Counter-Claimants, and Cross-
16 Complainants Robert Berg, Donna
17 Berg, Pearl Rosenthal, and the Estate
18 of Arnold Rosenthal

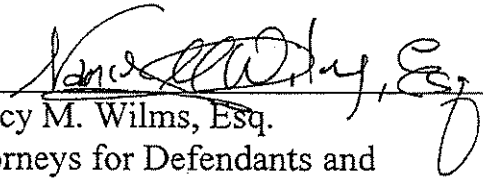
19
20 DATED: August 7, 2007

CAUFIELD & JAMES LLP

21
22 By _____
23 Jeffery L. Caufield, Esq.
24 Attorneys for Plaintiff, Counter-
25 Defendants, Cross-Defendants
26 Angeles Chemical Company, Inc.,
27 John Locke and Greve Financial
28 Services, Inc.

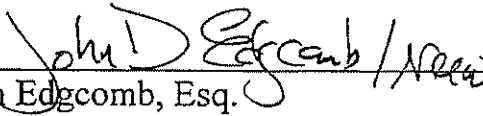
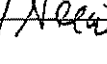
1 Dated: August 7, 2007

Bingham & McCutchen

2
3 By  Esq.
4 Nancy M. Wilms, Esq.
5 Attorneys for Defendants and
6 Counter-Claimants McKesson
7 Corporation, Harvey Sorkin, Seymour
8 Moslin and the Estate of Paul Maslin

9 Dated: August 7, 2007

The Law Offices Of John Edgcomb

10
11 By  / 
12 John Edgcomb, Esq.
13 Attorneys for Defendants and Counter-
14 Claimants McKesson Corporation,
15 Harvey Sorkin, Seymour Moslin and
16 the Estate of Paul Maslin
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1 The Court having read and considered the underlying facts and case law finds
2 that good cause exists for the stipulations set forth above.

3
4 It is so Ordered.

5
6 August 7, 2007

TERRY J. HATTER, JR.

Hon. Judge Terry ~~Hatter~~ Hatter Jr.

7
8
9 So Stipulated:

10 DATED: August 7, 2007

THE LAW OFFICES OF TIMOTHY
C. CRONIN, ESQ.

11
12 By

13
14
15 Chris C. Chapman, Esq.
16 Attorneys Counter-Defendants,
17 Counter-Claimants, and Cross-
18 Complainants Robert Berg, Donna
19 Berg, Pearl Rosenthal, and the Estate
of Arnold Rosenthal

20 DATED: August 7, 2007

CAUFIELD & JAMES LLP

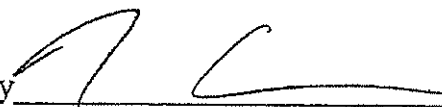
21
22 By 
23 Jeffery L. Caufield, Esq.
24 Attorneys for Plaintiff, Counter-
25 Defendants, Cross-Defendants
26 Angeles Chemical Company, Inc.,
27 John Locke and Greve Financial
28 Services, Inc.

EXHIBIT B

1 Jeffery L. Caufield (SBN 166524)
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2 Kenneth E. James (SBN 173775)
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3 David R. Griffin (SBN 076619)
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(619) 325-0441 Telephone
6 (619) 325-0231 Facsimile

7 Attorneys for Plaintiffs, Greve Financial Services,
Inc., Angeles Chemical Company, Inc., and John
8 Locke

9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 ANGELES CHEMICAL COMPANY,
INC., a California Corporation; GREVE
13 FINANCIAL SERVICES, INC., a
California Corporation; and JOHN G.
14 LOCKE, an individual,

15 Plaintiffs,

16 v.

17 McKESSON CORPORATION, a
California Corporation; HARVEY
18 SORKIN, an individual; SEYMOUR
MOSLIN, an individual; JOSEPH
19 SORKIN, an individual; and THE
20 ESTATE OF PAUL MASLIN, Deceased,

21 Defendants.

22 McKESSON CORPORATION, a
23 Delaware Corporation,

24 Counter-Plaintiff,

25 v.
26

27 ANGELES CHEMICAL COMPANY,
INC., a California Corporation; GREVE
28 FINANCIAL SERVICES, INC., a
California Corporation; JOHN LOCKE,

No. 01-10532 TJH (Ex)

STIPULATION AND
[PROPOSED] ORDER
CLARIFYING ALL HEARING
DATES AND PRE-TRIAL DATES
PURSUANT TO THE AUGUST
7, 2007 JOINT STIPULATION
AND ORDER FOR 45-DAY
LITIGATION STAY AND
CONTINUANCE OF
DEADLINES

Judge: Hon. Terry J. Hatter, Jr.
Discovery Cut-Off: June 11, 2007
Pre-Trial Conference: Jan. 21, 2008
Trial Date: TBD

an individual; JANYCE LOCKE, an individual; PEARL ROSENTHAL and the Estate of ARNOLD ROSENTHAL, as individuals and as Trustees of the Rosenthal Family Trust; DONNA BERG, an individual; ROBERT BERG, an individual; and NORMAN M. SPIELER, as Trustee of the Cynthia Pacheco 1993 BETA Trust and the Robert O. Berg, Jr. 1993 BETA Trust,

Counter-Defendants.

AND RELATED CROSS-CLAIMS

The parties to this matter, by and through their undersigned counsel, stipulate to the following agreement regarding a continuance of the hearing dates and establishment of pre-trial dates identified below pursuant to the Court's approval of a litigation stay for forty-five (45) days, beginning August 7, 2007 through September 20, 2007.

I. Good Cause Exists for a Continuance of Scheduling Orders

Scheduling orders entered before the final pretrial conference may be modified upon a showing of "good cause." Hannon v. Chater, 887 F.Supp. 1303 (N.D.Cal. 1995); FRCP 16. The reason for the "good cause" requirement for modification of a court's scheduling order is that such orders and their enforcement are regarded as an essential mechanism for cases becoming trial-ready in an efficient, just, and certain manner. Rouse v. Farmers State Bank of Jewell, Iowa, 866 F.Supp. 1191 (N.D.Iowa 1994). Good cause to continue the hearing dates and establish the pre-trial dates pursuant to the Court's August 7, 2007 Order exists here.

II. This Court Has Approved All Parties' Request for a Litigation Stay of 45 Days

A. Continued Hearing Dates

On August 7, 2007, this Court approved all parties' Joint Stipulation for a Litigation Stay and Motion for Continuance of all Scheduling Orders for forty-

STIPULATION AND [PROPOSED] ORDER RE HEARING DATES

five (45) days, beginning August 7, 2007 through September 20, 2007. That Joint Stipulation did not specifically identify five (5) pending Motions for Review with hearing dates of August 27, 2007, and omitted Angeles' Motion for Review of Magistrate Eick's July 23, 2007 Order re "Retake" Depositions and Angeles' Motion for Review of Magistrate Eick's July 23, 2007 Order re "Additional" Depositions, both filed on August 6, 2007. A continuance of the referenced hearing dates will reduce the costs incurred in briefing associated with the subject motions during the forty-five (45) day litigation stay, and is in keeping with this Court's approval of the August 7, 2007 Joint Stipulation continuing all additional hearing dates. Below is a complete list stipulated to by the parties of all Motions for which briefing needs to be completed and their respective hearing dates, as outlined in the parties' August 7, 2007 Joint Stipulation, as well as the hearing dates for the Motions that were inadvertently omitted from that Joint Stipulation.

Motion on Calendar	Old Hearing Date	New Hearing Date
McKesson's Motion to Dismiss the Bergs and Rosenthals' Requests for Injunctive Relief Based on CERCLA section 113(h)	August 27, 2007	October 15, 2007
Angeles' Motion for Review of Magistrate's Order re: Privileged Documents	August 27, 2007	October 15, 2007
Angeles' Motion for Review of Magistrate's Order re: Reconsideration of the Court's March 6, 2006 Order denying Angeles' Motion to Compel	August 27, 2007	October 15, 2007

1	Documents Withheld as Privileged		
2	by McKesson		
3	Angeles' Motion for Review of	August 27, 2007	October 15, 2007
4	Court's Order re Reconsideration of		
5	Production of Lab Testing Data		
6	McKesson's Motion for Review of	August 27, 2007	October 15, 2007
7	Court's July 11, 2007 Order		
8	Denying McKesson's Motion to		
9	Compel Certain Depositions and the		
10	Production of Documents by		
11	Plaintiffs re Rail Spur Excavation		
12	McKesson's Motion to Review of	August 27, 2007	October 15, 2007
13	Court's July 17, 2007 Order		
14	Denying McKesson's Motion to		
15	Compel Production of Missing		
16	Documents by Kennedy Entities		
17	and Motion for Reconsideration of		
18	the Court's 12/15/06 Order		
19	Bergs and Rosenthals' MSA for	September 10, 2007	October 22, 2007
20	Indemnification by Angeles		
21	Bergs and Rosenthals' MSA	September 10, 2007	October 22, 2007
22	Against Greve's Claims		
23	Angeles' Motion for Review of	September 10, 2007	October 29, 2007
24	Court's Order re Reconsideration of		
25	"Re-take" Depositions		
26	Angeles' Motion for Review of	September 10, 2007	October 29, 2007
27	Court's Order re Reconsideration of		
28			

STIPULATION AND [PROPOSED] ORDER RE HEARING DATES

1	"Additional" Depositions		
2	Angeles' Motion for Review of	September 10, 2007	October 29, 2007
3	Court's Order re Instructions not to		
4	Answer During the Deposition of		
5	Dinah Szander		
6	Angeles' Motion for Review of	September 10, 2007	October 29, 2007
7	Court's Order re Instructions not to		
8	Answer During the Deposition of		
9	Ivan Meyerson		
10	Angeles and John Locke's MSA of	September 17, 2007	November 5, 2007
11	CERCLA section 107 claims		
12	against McKesson and the Sorkin		
13	Parties		

B. Establishment Of Pre-Trial Schedule After Litigation Stay.

As specified dates were not included in the Court's August 7, 2007 Order, pursuant thereto the parties stipulate to the following pre-trial schedule at the termination of the litigation stay:

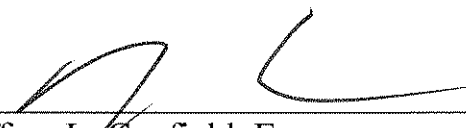
18	DEADLINE/EVENT	OLD DATE	NEW DATE
19	Expert Witness Discovery	September 10, 2007	October 25, 2007
20		(initial expert reports)	(initial expert reports)
21	Expert Rebuttal Reports	October 1, 2007	November 14, 2007
22	Expert Witness Discovery	October 29, 2007	December 14, 2007
23		(rebuttal reports)	(rebuttal reports)
24	Meeting of Counsel (Local Rule 16-2)	November 5, 2007	December 21, 2007
25	Memorandum of	November 19, 2007	January 4, 2008
26	Contentions of Fact and		
27	Law: Witness List and		
28	Exhibit List		

Final Pre-Trial Conference Order	November 19, 2007	January 4, 2008
Final Pre-Trial Conference	December 3, 2007 at 10:00 a.m.	January 21, 2008 at 10:00 a.m.
Trial Brief, incl. In limine motions, jury instructions and verdict forms and disputes re: same	21 days before trial	21 days before trial
Oppositions to in limine motions	14 days before trial	14 days before trial
Hearing on in limine motions, disputed jury instructions and verdict forms; lodge proposed voir dire questions	7 days before trial	7 days before trial
Trial Date	To be determined by the Court at the Final Pre-Trial Conference	To be determined by the Court at the Final Pre-Trial Conference

Respectfully submitted,

DATED: August 9, 2007

Caufield & James, LLP

By 
 Jeffery L. Caufield, Esq.
 Attorneys for Plaintiff, Counter-Defendants, Cross-Defendants Angeles Chemical Company, Inc., John Locke and Greve Financial Services, Inc.

Dated: August 9, 2007

Law Offices of Timothy C. Cronin


By _____
 Timothy Cronin, Esq.
 Attorneys for Donna Berg,
 Robert Berg, Pearl Rosenthal
 and the Estate of
 Arnold Rosenthal

1	Final Pre-Trial Conference Order	November 19, 2007	January 4, 2008
2			
3	Final Pre-Trial Conference	December 3, 2007 at 10:00 a.m.	January 21, 2008 at 10:00 a.m.
4			
5	Trial Brief, incl. In limine motions, jury instructions and verdict forms and disputes re: same	21 days before trial	21 days before trial
6			
7	Oppositions to in limine motions	14 days before trial	14 days before trial
8			
9	Hearing on in limine motions, disputed jury instructions and verdict forms; lodge proposed voir dire questions	7 days before trial	7 days before trial
10			
11			
12			
13	Trial Date	To be determined by the Court at the Final Pre-Trial Conference	To be determined by the Court at the Final Pre-Trial Conference
14			

Respectfully submitted,

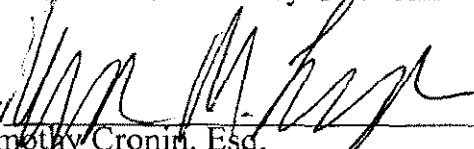
DATED: August 9, 2007

Caufield & James, LLP

By 
 Jeffery L. Caufield, Esq.
 Attorneys for Plaintiff, Counter-Defendants, Cross-Defendants Angeles Chemical Company, Inc., John Locke and Greve Financial Services, Inc.

Dated: August 9, 2007

Law Offices of Timothy C. Cronin

By 
 Timothy Cronin, Esq.
 Attorneys for Donna Berg, Robert Berg, Pearl Rosenthal and the Estate of Arnold Rosenthal

STIPULATION AND [PROPOSED] ORDER RE HEARING DATES

1 Dated: August 9, 2007

Bingham & McCutchen

2
3 By 

4 Nancy M. Wilms, Esq.

5 Attorneys for Defendants and Counter-
6 Claimants McKesson Corporation,
7 Harvey Sorkin, Seymour Moslin and
8 the Estate of Paul Maslin

9
10 Dated: August 9, 2007

The Law Offices Of John Edgcomb

11 By 

12 John Edgcomb, Esq.

13 Attorneys for Defendants and Counter-
14 Claimants McKesson Corporation,
15 Harvey Sorkin, Seymour Moslin and
16 the Estate of Paul Maslin

17 **The Court having read and considered the underlying facts and case law finds**
18 **that good cause exists for the stipulations regarding the continuation of hearing**
19 **dates and the establishment of a post-litigation stay pre-trial schedule as set**
20 **forth above.**

21 **It is so Ordered.**

22
23 August __, 2007

24 _____
25 Hon. Judge Terry Hatter, Jr.
26
27
28

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA		FOR COURT USE ONLY	
<i>Angeles Chemical, et al. v. McKesson Corporation, et al.</i>			
Jeffery L. Caufield (SBN 166524) Kenneth E. James (SBN 173775) CAUFIELD & JAMES, LLP 2851 Camino Del Rio South, Suite 250 San Diego, CA 92108		Tel: (619) 325-0441 Fax: (619) 325-0231	
Attorney(s) for: Plaintiffs, Greve Financial Services, Inc., Angeles Chemical Company, Inc., and John Locke		Date: Time: Dept.:	Case Number: CV01-10532 TJH (Ex)

PROOF OF SERVICE

I, the undersigned, declare: I am employed in the County of San Diego, State of California. I am over the age of 18 years and not a party to this action. My business address is 2851 Camino Del Rio South, Suite 250, San Diego, California 92108. I served a copy of the following document(s):

**STIPULATION AND [PROPOSED] ORDER CLARIFYING ALL HEARING
 DATES AND PRE-TRIAL DATES PURSUANT TO THE AUGUST 7, 2007 JOINT
 STIPULATION AND ORDER FOR 45-DAY LITIGATION STAY AND
 CONTINUANCE OF DEADLINES**

☐ (BY MAIL) I caused each such envelope to be sealed and placed for collection and mailing from my business address. I am readily familiar with Caufield & James' practice for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business mail is deposited with the postage thereon fully prepaid in the United States Postal Service the same day as it is placed for collection. I am aware that upon motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

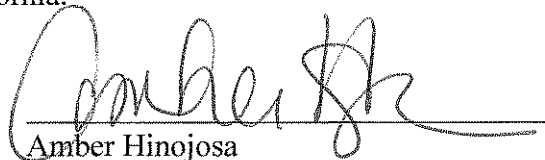
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SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 9, 2007, at San Diego, California.


 Amber Hinojosa

SERVICE LIST

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Seymour Moslin and the Estate of Paul Maslin:*

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886	8/ 9/2007	12:46:43	Send	12136806499	1:55	7	OK
887	8/ 9/2007	12:48:43	Send	14153991885	3:20	7	OK
888	8/ 9/2007	12:52:08	Send	17145053792	8:35	7	OK

**CAUFIELD
& JAMES**
ATTORNEYS AT LAW

FACSIMILE COVER SHEET

DATE:	August 9, 2007
FROM:	Jeffery Caufield
TO:	Jill Teraoka Nancy Wilms (213) 680-6499 John D. Edgcomb (415) 399-1885 Timothy Cronin (714) 505-3792
CC:	
REGARDING:	Angeles v. McKesson
# OF PAGES (including cover):	11

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EXHIBIT C

CAUFIELD
& JAMES LLP
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Writer's Direct:
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(619) 325-0231 (fax)
jeff@caufieldjames.com

August 10, 2007

Via Facsimile & Email

Diane L. Gibson
Squire, Sanders & Dempsey LLP
One Maritime Plaza, Suite 300
San Francisco, California 94111-3492

Re: SSD's Noncompliance with Judge Laporte's Outstanding Orders and
SSD's Improper Decision Not to Supplement its Production

Dear Ms. Gibson:

We are in receipt of your letter sent August 9, 2007. SSD's unilateral decision not to comply with Judge Laporte's March 22, 2007 Order is not supported by the Stay and Continuance filed with the Central District. Accordingly, we request that you immediately comply with Judge Laporte's Orders. By failing to comply, you are in contempt of court. Angeles is thus prepared to file a motion seeking compliance with Judge Laporte's Orders and sanctions immediately after the stay has passed.

First, the Stipulation for Litigation Stay filed by the parties to this action is clear on its face and by its terms does not allow SSD to stall compliance with Judge Laporte's Orders. The pertinent section that SSD relies on for its unjustified decision not to comply with the Court's Orders states,

"The deadlines for fact discovery and fact discovery motions have passed and are not impacted by the within stipulation. All remaining discovery shall be stayed as set forth herein. Plaintiffs will take no further legal action in their proceedings against SSD, and Thelen, Reid pending in the United States District Court, Northern District of California, and Univar pending in the Western District of Washington, during the stay period. However, this agreement is without prejudice to the parties' right to seek further relief on these matters or others by ex parte motion after the termination of this agreement at the conclusion of the stay period." (Joint Stipulation for Litigation Stay at 3:6-13).

Thus, while Angeles has agreed not to take any further legal action against SSD during the stay, the Joint Stipulation does not contain any language that would support SSD's intentional noncompliance with Judge Laporte's outstanding orders, or refusal to respond to Angeles' August 1, 2007 meet and confer. It only precludes Angeles from filing any new motions against SSD during the forty-five day period.

Re: SSD's Noncompliance with Judge Laporte's Outstanding Orders
August 10, 2007
Page 2 of 2

Second, the Stipulation Clarifying All Hearing Dates signed by the parties lists all of the motions contemplated by the parties. Nowhere in that stipulation does it say that SSD does not have to comply with Judge Laporte's outstanding orders or that SSD can delay its responses to Angeles' meet and confer until after the forty-five day period. Therefore, contrary to the opinions asserted in your August 9, 2007 letter and in your notice filed with Judge Laporte, SSD **is required** to supplement its production and comply with the Northern District Court's Orders, including those discussed in SSD's July 26, 2007 letter and as requested in Angeles's August 1, 2007 letter.

SSD was required to produce to McKesson nonprivileged documents listed in Judge Laporte's August 2, 2007 Order within seven (7) days of the Court's order. SSD also was required to create a separate index of the McKesson documents within fourteen (14) days of the August 2, 2007 Order. Thus, if SSD does not comply with Judge Laporte's Orders and does not properly respond to Angeles' August 1, 2007 letter, Angeles will seek sanctions and request that the Court hold SSD in contempt immediately after the stay has ended. To ensure that Judge Laporte has the whole story regarding the effect of the Stay agreed to by the parties, Angeles will be filing a brief response to SSD's Notice of Entry of Stay.

Very truly yours,

Caufield James, LLP

By 

Jeffery L. Caufield, Esq.

Bryce Besser

From: Amber Hinojosa
Sent: Friday, August 10, 2007 2:57 PM
To: digibson@ssd.com
Cc: John Golembesky; Jeff Caufield; Ken James; Bryce Besser
Subject: Angeles v McKesson



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736.pdf (83 KB)

Counsel,

Please see attached correspondence. This was also faxed to you earlier this morning. Thank you.

Amber Hinojosa
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619.325.0441; 619.325.0231